

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

KIREE GOLDEN,	:	
Petitioner,	:	
	:	
v.	:	No. 2:19-cv-00861
	:	
ROBERT MARSH;	:	
THE DISTRICT ATTORNEY OF THE	:	
COUNTY OF PHILADELPHIA; and	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF PENNSYLVANIA,	:	
Respondents.	:	

ORDER

AND NOW, this 8th day of August, 2019, upon consideration of the Petition for Writ of Habeas Corpus, ECF No. 1; Respondents’ Motion to Stay Proceedings Pending Resolution of Petitioner’s State Post-Conviction Proceedings, ECF No. 9; the Report and Recommendation issued by Magistrate Judge Thomas J. Rueter on July 15, 2019, ECF No. 10; and in the absence of objections,¹ **IT IS HEREBY ORDERED THAT:**

¹ When neither party objects to a magistrate judge’s report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). “When no objections are filed, the district court need only review the record for plain error or manifest injustice.” *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991). *See also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts “are not required to make any separate findings or conclusions when reviewing a Magistrate Judge’s recommendation de novo under 28 U.S.C. § 636(b)”); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge’s report and recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

1. The Report and Recommendation, ECF No. 10, is **APPROVED and ADOPTED**.
2. Respondents' Motion to Stay Proceedings Pending Resolution of Petitioner's State Post-Conviction Proceedings, ECF No. 9, is **GRANTED**.
3. This case is **STAYED**.
4. This case is **REMANDED** to Magistrate Judge Thomas J. Rueter for a Report and Recommendation once the state court proceedings have concluded.
5. Pursuant to Local Civil Rule 72.1.IV(c), all issues and evidence shall be presented to the United States Magistrate Judge, and that new issues and evidence shall not be raised after the filing of the Report and Recommendation if they could have been presented to the United States Magistrate Judge.
6. Petitioner and Respondents shall monitor the state court proceedings and immediately notify the court upon their conclusion.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge